up) his rights, liabilities and responsibilities as a father (though retaining what could not be *taken* away from him, his interest in Abol's welfare). Accordingly, the defendant cannot be held liable to compensate Dato for the maintenance of Abol after Dato had taken Abol to live with him.

The plaintiff's claim is dismissed with costs.

Claim dismissed.

DANA & ANOR. v. SANDOM & ANOR.

[O.C.J. (McGilligan J.) December 2, 1963]

[Sibu — Binatang High Court Civil Suit No. 5 of 1963]

Adoption—Annulment—Special reason—Age of child —Interests of child—Adoption Ordinance (Sarawak Cap. 91), ss. 7 and 8.

This was an application by the adoptive parents for the annulment of the adoption of one R, who is now 20 years old. R had lived with the adoptive parents since he was 5 years old although the adoption was only registered when he was 17. The main ground of the applicants for the annulment was that they wished to adopt another son to help look after them and they could not do so unless the existing adoption was annulled. R himself very emphatically said that he did not want the adoption annulled.

Held: (1) the clear wishes of the adopted child, particularly one of 20 years old, must be given the very greatest respect by the Court in deciding an application for annulment. In this case as R did not want the adoption annulled and as he regarded his adoptive parents as his father and mother and the applicants' home as his home an order of annulment should not be made;

(2) the main ground put forward by the applicants was not a good or meritorious one and did not constitute a "special reason" for annulment.

CIVIL SUIT.

Parties in person.

McGilligan J.: This is an application for the annulment, under section 7 of the Adoption Ordinance, of the adoption of one Rejab anak Sandom. The application is made by the adoptive father and mother, Dana anak Ganyah and Sunah anak Silimbau. The adoption was registered on the 31st of August, 1960.

The thought that immediately occurs to the Court is that it is very late in the day to be seeking annulment of adoption, when the adopted child has reached the age of 20 years. It is only in an exceptional case that annulment would be granted at this stage, and there are here no special reasons for annulment.

In any such case as this, exceptional or not, the basic principle in which the Court must act is that set out in section 8 of the Adoption Ordinance. The section reads as follows:—

"Where there is any question whether the adoption of any child should be effected or annulled the interests of such child shall be the paramount consideration".

Here, the adopted child, Rejap anak Sandom, has lived with the adoptive parents since he was five years old (I accept his undisputed evidence on this), though the adoption was not registered (and was therefore of no legal effect) until he was seventeen.

Rejap's real mother, Empana anak Silimbau, though served with notice of to-day's hearing, has not bothered to appear. Clearly she is not very interested in what happens to him.

His real father, Sandom anak Nyuak, has appeared, and is prepared to have the adoption cancelled and to resume the legal father-son relationship which existed between him and Rejap prior to the adoption. But it is plain that he is not really very anxious to do so, and is prepared to do so only as a matter of duty.

Rejap himself, now aged 20 and a school teacher, has said very emphatically that he does not want the adoption annulled. He said he regards Rumah Munie where the applicants live as his home, and will always look upon the adoptive parents as his father and mother, even if the adoption is annulled. The clear wishes of the adopted child, particularly one of 20 years old, must be given the very greatest respect by the Court in deciding an application for annulment.

Finally there is this, that it does not seem to the Court that the main ground put forward by the applicants for the annulment — that they wish to adopt another son to help look after them and cannot do so unless the existing adoption is annulled — is a good or meritorious one. Apart from this wish to get a new son the adoptive parents have nothing against Rejap, except that he has now gone to live in his school, and does not visit them often enough. This is the sort of complaint many parents have to make about a grown-up son, and is hardly sufficient reason for casting him off.

The Court is quite satisfied that in the circumstances of the case it would be wrong to order annulment of adoption. The application is refused. No order is made as to costs.

Application refused.

UNITED MALAYAN BANKING CORPN. LTD. v. IPOH MINING CO. (M) LTD.

[F.C. (Thomson L.P., Barakbah C.J. (Malaya) and Tan Ah Tah J.) December 5, 1963]

[Ipoh — Federal Court Civil Appeal No. 15 of 1963]

Practice and Procedure—Application under R.S.C. O.14 in respect of money lent and interest—Refusal of judge to enter summary judgment on ground that there was a triable issue—Appeal from order of judge—Appellate court not to interfere unless special circumstances shown.

Where an application under Order 14 is for money lent and interest thereon and the judge refuses to make an order for summary judgment on the ground that